



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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January 8, 2016

**BY ECF**

Honorable John G. Koeltl  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Cruz v. The City of New York, et al.  
15-CV-7943 (JGK)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and am assigned to represent defendant The City of New York ("City") in the above-referenced matter. I write to respectfully request an adjournment of the Initial Conference currently scheduled for February 15, 2016, at 4:30 p.m., to a date after The Southern District's "Plan for Certain § 1983 Cases Against the City of New York" (hereinafter "The Plan") has run its course, or until an application to exempt this case from The Plan is granted. This is the second request for an adjournment of the Initial Conference, and it will not affect any other scheduled dates. I have conferred with plaintiff's counsel, Kim Richman, Esq., and am informed that plaintiff takes no position on the City's request at this time.

At the outset, due to inadvertent error, the undersigned had not yet appeared in this matter, and was unaware of the conference scheduled for January 6, 2016. The undersigned apologizes to both the Court and plaintiff's counsel for any inconvenience this error has caused.

By way of background, plaintiff alleges that on or about March 7, 2015, he was falsely arrested on charges of Criminal Sale and Possession of a Controlled Substance in Bronx, New York. See generally, Complaint. The Court scheduled an initial pretrial conference for December 1, 2015, at 4:30 p.m., which was thereafter adjourned to January 6, 2016, at 4:30 p.m. See generally, Notice of Court Conference, at Civil Docket Report, Document No. 8, and Order dated November 30, 2015, at Civil Docket Report, Document No. 14. Subsequently, and because the undersigned failed to appear for the conference scheduled for January 6, 2016, upon information and belief, the conference was adjourned to February 15, 2016, at 4:30 p.m.

This matter has been designated for participation in The Southern District's Plan For Certain § 1983 Cases ("The Plan"), codified as Local Civil Rule § 83.10. See Civil Docket Report, at Document Number 7. Plaintiff filed his Complaint on or about October 7, 2015, and the City was served with the Complaint on or about December 15, 2015, with the requisite releases. Accordingly, under The Plan, the City's Answer is not due until February 22, 2016, and the parties are not required to exchange Initial Disclosures until March 14, 2016. Based on the foregoing, the City respectfully requests that the Court adjourn the February 15, 2016, Initial Conference to a date and time convenient for the Court after The Plan has run its course, or until an application to exempt this case from The Plan is granted.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Daniel H. Oliner  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Kim Richman, Esq.  
*Counsel for Plaintiff*  
(via ECF)